

DOCKET NO.: ELSE-0818/E20030090

PATENT

2829



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Rodney C. Hemminger, et al.

Confirmation No.: 4421

Patent No.: 6,940,268 B2

Issued: September 6, 2005

Application No.: 10/618,129

Filing Date: July 11, 2003

For: Apparatus For Metering At Least One Type Of Electrical Power Over A Predetermined Range Of Service Voltages

DATE OF DEPOSIT:

11/29/05

I HEREBY CERTIFY THAT THIS PAPER IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL, POSTAGE PREPAID, ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO THE COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450.

TYPED NAME: Vincent J. Roccia
REGISTRATION NO.: 43,887

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Certificate
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of Correction

REQUEST FOR CERTIFICATE OF CORRECTION OF PATENT FOR PTO
MISTAKE PURSUANT TO 37 CFR § 1.322(a)

It is respectfully requested that a Certificate of Correction be issued for the above-identified patent. In accordance with 37 CFR § 1.322(a), the patent has errors in it that occurred through the fault of the Patent and Trademark Office as clearly disclosed by the records and files of the office.

Several references submitted in the Information Disclosure Statement of October 14, 2004 were not printed on the issued patent.

U.S. PATENT REFERENCES

The PTO failed to list any of the U.S. patent references cited in the **Information Disclosure Statement** filed October 14, 2003 [Refs 1-10; 16-25; 31-40; 44-160]. Those references were reviewed and initialed by the Examiner. [See initialed 1449's dated August 12, 2004 - Attachment 1 hereto].

In the Notice of Allowance dated March 10, 2005, the Examiner again initialed the 1449 forms from the IDS filed on October 14, 2003 [See PTO 1449's dated March 3, 2005, Attachment 2 hereto], crossing out the U.S. patent references, only because such references had been previously considered. In his *Comments On Information Disclosure Statement* (p. 3), the Examiner stated, **"In the IDS filed October 14, 2003, and attached hereto, each U.S. Patent cited has been crossed through as these were previously considered in the Office Action mailed on August 23, 2004.** (emphasis added). A copy of the Examiner's remarks is enclosed [Attachment 3 hereto].

NON-PATENT REFERENCES

In addition, several non-patent references submitted in the IDS of October 14, 2004 were not printed on the issued patent, even though these references were reviewed and initialed by the Examiner.

CHART OF REFERENCES FOR THE CONVENIENCE OF THE PATENT OFFICE

Below, for the convenience of the Patent Office, is a chart which shows where omitted references were originally cited and the date of the initialed 1449's, evidencing the Examiner's review of said references.

Cited Non-Patent Reference	IDS Reference Number in IDS Dated 10/14/2004	Evidence of Examiner's Review and Initialization
Summer, S.E. et al., "Wide Input Range Multiple Output Power Supply, <i>PCI</i> , April 1983	Reference # 201	Initialed by Examiner 8/12/2004
RM-10 Metronic Portable atthour Standard-Operations Manual Revisions E, February 1990 , Radian Research, Inc. Power and Energy Measurement Specialists	Reference #202	Initialed by Examiner 8/12/2004
RM-10, RM-12, RM-15 Operations Manual, December 1998 , Radian Research, Inc.	Reference #203	Initialed by Examiner 8/12/2004
Quantum ST-Q121 Electronic Meter, Product Bulletin 10254, Effective Date October 1990 , pages 1-22	Reference #231	Initialed by Examiner 8/12/2004

Cited Non-Patent Reference	IDS Reference Number in IDS Dated 10/14/2004	Evidence of Examiner's Review and Initialization
Quantum Q101 Series Electronic Meter, Product Bulletin 10253, Effective Date June 1991, 20 pages	Reference #233	Initalled by Examiner 8/12/2004
In the Matter of Australian Patent Application No. 688711 in the name of ABB Power T&D Company Inc. and In the Matter of Opposition Thereto by Electrowatt Technology Innovation Corporation, "Statement of Grounds and Particulars In Support of Opposition, August 12, 1998	Reference #169	Initalled by Examiner 3/3/2005
U.S. Patent References	References # 1-10; 16-25; 31-40; 44-160	Initalled by Examiner 8/12/2004

Applicants respectfully request that each of these references be listed on a Certificate of Correction.

Enclosed herewith please find are completed Certificate of Correction forms.

Since the errors are not due to applicants' mistake, no correction fee is due. Please charge any fees for copies and any additional fees to our Deposit Account No. 23-3050. This letter is enclosed in duplicate.

Date:

11/29/05



Vincent J. Roccia
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One Liberty Place - 46th Floor
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2,724,821	11/1955	E.Q. Schweitzer, Jr.	
3,794,917	2/1974	Martin et al	324/142
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4,007,061	2/1977	LeCoturier	136/221
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4,077,061	2/1978	Johnston et al.	364/483
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4,119,948	10/1978	Ward et al.	340/151
4,120,031	10/1978	Kincheloe et al.	364/464
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4,156,273	5/1979	Sato	363/056
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4,378,524	3/1983	Steinmuller	324/107

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4,359,684	11/1982	Ley	324/142
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UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO : 6,940,268 B2
 DATED : September 6, 2005
 INVENTOR(S): Hemminger et al.

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CERTIFICATE OF CORRECTION

PATENT NO : 6,940,268 B2
 DATED : September 6, 2005
 INVENTOR(S): Hemminger et al.

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CERTIFICATE OF CORRECTION

PATENT NO : 6,940,268 B2
 DATED : September 6, 2005
 INVENTOR(S): Hemminger et al.

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PATENT NO : 6,940,268 B2
DATED : September 6, 2005
INVENTOR(S): Hemminger et al.

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PATENT NO. 6,940,268 B2

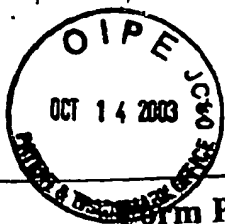
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**Form PTO-1449 Modified**

List of Patent and Publications
Cited by Applicant
(Use several sheets if necessary)

U.S. Department of Commerce
Patent and Trademark Office

Docket No.
ELSE-0818

Application No.
10/618,129

Applicant
Rodney C. Hemminger, et al.

Filing Date
July 11, 2003

Group
Not Yet Assigned

2879

U. S. PATENT DOCUMENTS

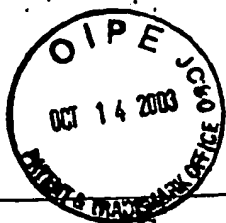
Examiner Initial		Document No.	Date	Name	Class	Subclass
<i>RK</i>	1	2,724,821	11/22/55	E.Q. Schweitzer, Jr.		
<i>RK</i>	2	3,794,917	2/26/1974	Martin et al.		
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<i>RK</i>	6	4,007,061	2/8/1977	Le Coturier		
<i>RK</i>	7	4,034,292	7/5/1977	McClelland, III		
<i>RK</i>	8	4,077,061	2/28/1978	Johnston et al.		
<i>RK</i>	9	4,092,592	5/30/1978	Milkovic		
<i>RK</i>	10	4,096,436	6/20/1978	Cook et al.		

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Examiner Initial		Document No.	Date	Country	Translation	
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	13	1 239473	9/1989	JP	Abstract	
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EXAMINER *[Signature]*

DATE CONSIDERED **8-12-04**

**Form PTO-1449 Modified**List of Patent and Publications
Cited by Applicant
(Use several sheets if necessary)U.S. Department of Commerce
Patent and Trademark OfficeDocket No.
ELSE-0818Application No.
10/618,129Applicant
Rodney C. Hemminger, et al.Filing Date
July 11, 2003Group
Not Yet Assigned *2829***U. S. PATENT DOCUMENTS**

Examiner Initial		Document No.	Date	Name	Class	Subclass
<i>RK</i>	16	4,119,948	10/10/1978	Ward et al.		
<i>RK</i>	17	4,120,031	10/10/1978	Kincheloe et al.		
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<i>RK</i>	21	4,156,932	5/29/1979	Robinson et al.		
<i>RK</i>	22	4,158,810	6/19/1979	Leskovar		
<i>RK</i>	23	4,186,339	1/29/1980	Finger		
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Examiner Initial		Document No.	Date	Country	Translation	
					YES	NO
	26	2 095 879	1/1982	Great Britain		
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	30	68113/87	8/1987	Australia	x	

EXAMINER *[Signature]*DATE CONSIDERED *8-12-04*



Form PTO-1449 Modified List of Patent and Publications Cited by Applicant (Use several sheets if necessary) U.S. Department of Commerce Patent and Trademark Office	Docket No. ELSE-0818	Application No. 10/618,129
	Applicant Rodney C. Hemminger, et al.	
	Filing Date July 11, 2003	Group Not Yet Assigned <i>2879</i>

U. S. PATENT DOCUMENTS

Examiner Initial		Document No.	Date	Name	Class	Subclass
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<i>RK</i>	34	4,301,508	11/17/1981	Anderson et al.		
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<i>RK</i>	36	4,335,445	6/15/1982	Nercessian		
<i>RK</i>	37	4,355,361	10/19/1982	Riggs et al.		
<i>RK</i>	38	4,359,684	11/16/1982	Ley		
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					YES	NO
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	42	GB 2177 805 A	1/1987	Great Britain	x	
	43	WO 86/05887	10/1986	WO	x	
EXAMINER <i>[Signature]</i>				DATE CONSIDERED <i>8-12-04</i>		



Form PTO-1449 Modified List of Patent and Publications Cited by Applicant (Use several sheets if necessary) U.S. Department of Commerce Patent and Trademark Office	Docket No. ELSE-0818	Application No. 10/618,129
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U. S. PATENT DOCUMENTS

Examiner Initial		Document No.	Date	Name	Class	Subclass
<i>RK</i>	44	4,389,702	6/21/1983	Clemente et al.		
<i>RK</i>	45	4,399,510	8/16/1983	Hicks		
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<i>RK</i>	48	4,420,721	12/13/1983	Dorey et al.		
<i>RK</i>	49	4,422,039	12/20/1983	Davis		
<i>RK</i>	50	4,437,059	3/13/1984	Hauptmann		
<i>RK</i>	51	4,438,485	3/20/1984	Voigt		
<i>RK</i>	52	4,439,764	3/27/1984	York et al.		
<i>RK</i>	53	4,467,434	8/21/1984	Hurley et al.		

FOREIGN PATENT DOCUMENTS

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EXAMINER <i>[Signature]</i>				DATE CONSIDERED <i>8-12-04</i>		



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U. S. PATENT DOCUMENTS

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<i>RK</i>	54	4,489,384	12/18/1984	Hurley et al.		
<i>RK</i>	55	4,497,017	1/29/1985	Davis		
<i>RK</i>	56	4,509,128	4/2/1985	Coppola et al.		
<i>RK</i>	57	4,516,213	5/7/1985	Gidden		
<i>RK</i>	58	4,542,469	9/17/1985	Brandyberry et al.		
<i>RK</i>	59	4,566,060	1/21/1986	Hoeksma		
<i>RK</i>	60	4,581,705	4/8/1986	Gilker et al.		
<i>RK</i>	61	4,600,881	7/15/1986	LaRocca et al.		
<i>RK</i>	62	4,607,320	8/19/1986	Matui et al.		
<i>RK</i>	63	4,621,330	11/4/1986	Weikel		

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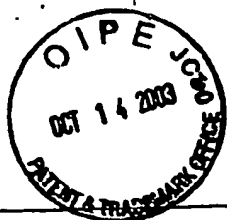
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<i>RK</i>	66	4,642,634	2/10/1987	Gerri et al.		
<i>RK</i>	67	4,646,084	2/24/1987	Burrowes et al.		
<i>RK</i>	68	4,686,460	8/11/1987	Stevens et al.		
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<i>RK</i>	70	4,697,180	9/29/1987	Swanson		
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RK	75	4,757,456	7/12/1988	Benghiat		
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RK	77	4,794,369	12/27/1988	Haferd		
RK	78	4,803,632	2/7/1989	Frew et al.		
RK	79	4,814,757	3/21/1989	Patterson et al.		
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RK	81	4,853,620	8/1/1989	Halder et al.		
RK	82	4,862,493	8/29/1989	Venkataraman et al.		
RK	83	4,866,587	9/12/1989	Wadlington		

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EXAMINER				DATE CONSIDERED 8-12-04		



Form PTO-1449 Modified List of Patent and Publications Cited by Applicant (Use several sheets if necessary) U.S. Department of Commerce Patent and Trademark Office	Docket No. ELSE-0818	Application No. 10/618,129
	Applicant Rodney C. Hemminger, et al.	
	Filing Date July 11, 2003	Group Not Yet Assigned 2829

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<i>RK</i>	84	4,881,027	11/14/1989	Joder et al.		
<i>RK</i>	85	4,881,070	11/14/1989	Burrowes et al.		
<i>RK</i>	86	4,884,021	11/28/1989	Hammond et al.		
<i>RK</i>	87	4,896,106	1/23/1990	Voisine et al.		
<i>RK</i>	88	4,902,964	2/20/1990	Szabela et al.		
<i>RK</i>	89	4,902,965	2/20/1990	Bodrug et al.		
<i>RK</i>	90	4,908,569	3/13/1990	Fest		
<i>RK</i>	91	4,908,769	3/13/1990	Vaughan et al.		
<i>RK</i>	92	4,922,187	5/1/1990	Beverly, II		
<i>RK</i>	93	4,922,399	5/1/1990	Tsuzuki		

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					YES	NO

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<i>RK</i>	94	4,931,725	6/5/1990	Hutt et al.		
<i>RK</i>	95	4,949,029	8/14/1990	Cooper et al.		
<i>RK</i>	96	4,951,052	8/21/1990	Jacob et al.		
<i>RK</i>	97	4,956,761	9/11/1990	Higashi		
<i>RK</i>	98	4,975,592	12/4/1990	Hahn et al.		
<i>RK</i>	99	4,977,368	12/11/1990	Munday et al.		
<i>RK</i>	100	4,978,911	12/18/1990	Perry et al.		
<i>RK</i>	101	4,998,061	3/5/1991	Voisine et al.		
<i>RK</i>	102	4,999,569	3/12/1991	Weikel		
<i>RK</i>	103	5,010,335	4/23/1991	Coppola et al.		

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					YES	NO

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<i>RL</i>	105	5,017,860	5/21/1991	Germer et al.		
<i>RL</i>	106	5,019,955	5/28/1991	Hoeksma		
<i>RL</i>	107	5,032,785	7/16/1991	Mathis et al.		
<i>RL</i>	108	5,059,896	10/22/1991	Germer et al.		
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<i>RL</i>	111	5,151,866	9/29/1992	Glaser et al.		
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				Filing Date July 11, 2003		Group Not Yet Assigned 2829	
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<i>RK</i>	126	5,457,621	10/10/1995	Munday et al.			
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<i>RK</i>	139	5,808,455	09/98	Schwartz, et al.	323	271	
<i>RK</i>	140	3,569,818	03/71	Dahlinger, et al	363	21.12	
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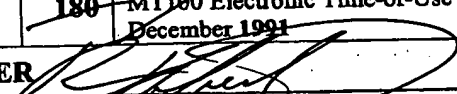
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RK	159	5,631,843	05/20/97	Munday, et al.	700	286
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163	Garverick, Steven L. et al., "A Programmable Mixed-Signal ASIC of Power Metering," ISSCC91/Session 2/Low-Temperature Circuits and Special-Purpose Processors/Paper WP 2.4, IEEE International Solid-State Circuits Conference, 1991	
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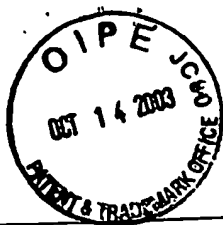
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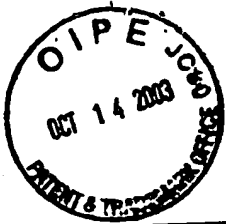


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<i>RK</i>	203	RM-10, RM-12, RM-15 Operations Manual, Radian Research, Inc. <i>(December 1998)</i>	
—	204	Memorandum Order (Claim Construction)- In the United States District Court for the District of Delaware, ABB Automation, Inc., v. Schlumberger Resource Management Services, Inc., Civil Action No. 01-077-SLR, March 27, 2003	
—	205	Complaint for Patent Infringement of U.S. Patent Nos. 5,548,527, 5,555,508, 5,457,621, 5,621,629, 5,903,145, and 6,097,182 and for Declaratory Judgment of Non-Infringement and Invalidity of U.S. Patent Nos. 5,469,049, 5,471,137, and 5,631,554, In the United States District Court for the District of Delaware, ABB Automation, Inc., v. Schlumberger Resource Management Services, Inc., Case No.: 01-77, February 12, 2001	
—	206	First Amended Complaint for Patent Infringement and for Declaratory Judgment of Non-Infringement, Invalidity and/or that Schlumberger is not Entitled to Relief, In the United States District Court for the District of Delaware, ABB Automation, Inc., v. Schlumberger Resource Management Services, Inc., Case No.: 01-77, June 12, 2001	
—	207	Answer and Affirmative Defense to First Amended Complaint and Counterclaims for Declaratory Judgment of Non-Infringement, Invalidity and/or Unenforceability and for Patent Infringement, In the United States District Court for the District of Delaware, ABB Automation, Inc., v. Schlumberger Resource Management Services, Inc., Case No.: 01-77, July 2, 2001	
—	208	Answer and Affirmative Defenses to Second Amended Complaint and Counterclaims for Declaratory Judgment of Non-Infringement, Invalidity, and/or Unenforceability and for Patent Infringement, In the United States District Court for the District of Delaware, ABB Automation, Inc., v. Schlumberger Resource Management Services, Inc., Case No.: 01-77, August 8, 2001	
—	209	Reply and Affirmative Defenses to Schlumberger's Counterclaims Filed in Response to ABB's Second Amended Complaint, In the United States District Court for the District of Delaware, ABB Automation, Inc., v. Schlumberger Resource Management Services, Inc., Case No.: 01-77, August 21, 2001	
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	Applicant Rodney C. Hemminger, et al.	
	Filing Date July 11, 2003	Group Not Yet Assigned <i>2829</i>
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210	ABB's First Set of Interrogatories (Nos. 1-22), In the United States District Court for the District of Delaware, ABB Automation, Inc., v. Schlumberger Resource Management Services, Inc., Case No.: 01-77, September 14, 2001	
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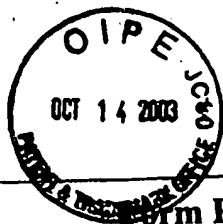


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*No Document cited on this
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		Applicant Rodney C. Hemminger, et al.	
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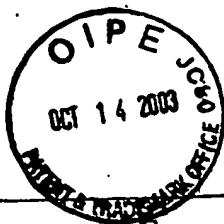
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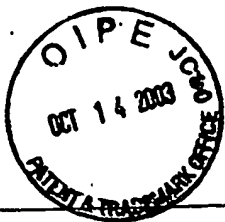
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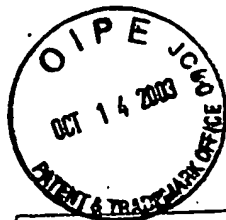
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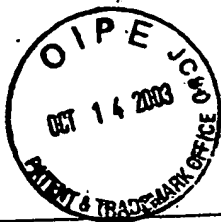
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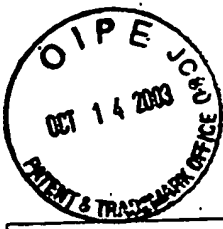
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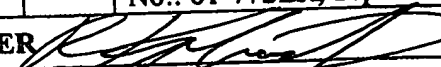
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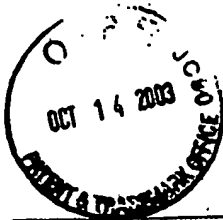
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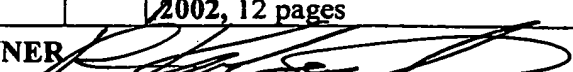


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Form PTO-1449 Modified List of Patent and Publications Cited by Applicant (Use several sheets if necessary) U.S. Department of Commerce Patent and Trademark Office		Docket No. ELSE-0818	Application No. 10/618,129
		Applicant Rodney C. Hemminger, et al.	
		Filing Date July 11, 2003	Group 2829
		Confirmation No. 4421	
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)			
<i>RK</i>	273	In the United States District Court for the District of Delaware, Case No.: 01-77 SLR, ABB Automation, Inc., V. Schlumberger Resource Management, Memorandum Order-Construing Disputed Claim Language in United States Patent Nos: 5,457,621, 5,621,629, 5,903,145, 5,555,508 and 5,548,527, March 27, 2003	
<i>RK</i>	274	In the United States District Court for the District of Delaware, Case No.: 01-77 SLR, ABB Automation, Inc., V. Schlumberger Resource Management, Order-Granting in part, Denying in Part, March 27, 2003, 3 pages	
<i>RK</i>	275	In the United States District Court for the District of Delaware, Case No.: 01-77 SLR, ABB Automation, Inc., V. Schlumberger Resource Management, ABB's Motion for Reargument and Reconsideration of the Construction of the "Logic For" Limitations of Schlumberger's 049 and 554 Patents, April 9, 2003, With attached Exhibits 1 thru 7,	
<i>RK</i>	276	In the United States District Court for the District of Delaware, Case No.: 01-77 SLR, ABB Automation, Inc., V. Schlumberger Resource Management, ABB'S Motion for Reargument and to Alter Judgment with Respect to the March 27, 2003 Opinion and Order Granting Summary Judgment of Invalidity of Claims 1 and 13 of the 621 Patent and the Court's Construction of the Phase "A Controller... Generating said Control Signal in Response to the Output of Said Power Supply", April 9, 2003, With Attached Exhibits 1 thru 3	
<i>RK</i>	277	In the United States District Court for the District of Delaware, Case No.: 01-77 SLR, ABB Automation, Inc., V. Schlumberger Resource Management, Order-Plaintiff's Motion for Reargument or Reconsideration is Denied, April 10, 2003, 2 pages	
<i>RK</i>	278	In the United States Court of Appeals for the Federal Circuit, 04-1052, DCT-01-CV-77, Notice of Entry of Judgment Accompanied by Opinion, Decided July 30, 2004, 12 pages	
EXAMINER <i>[Signature]</i>		DATE CONSIDERED <i>3-3-05</i>	

Reasons For Allowance

1. The following is an examiner's statement of reasons for allowance:

An electrical energy meter comprising:

At least one resistive voltage divider capable of scaling a wide range of service voltages to provide a scaled voltage wherein the scaled voltage does not exceed a maximum peak-to-peak value for any received service voltage; and

A power supply capable of receiving any service voltage in the wide range of service voltages and producing therefrom a supply voltage used within the electrical energy meter; as further described in claim 7 has not been found in light of Applicants' arguments filed December 27, 2004 that place emphasis on intended use recitations and functional language as providing additional structure resulting in a structural difference between the claimed invention and the prior art (MPEP 2111.02). Specifically, the limitation of the "resistive voltage divider capable of scaling a wide range of service voltages to provide a scaled voltage wherein the scaled voltage does not exceed a maximum peak-to-peak value for any received service voltage," as emphasized by Applicants, is now considered a structural component of the claimed invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Comments on Information Disclosure Statement


2. The information disclosure statement filed October 14, 2003 fails in-part to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file however each cited reference referred to therein that is not available to the Examiner has not been considered. The Examiner has considered each cited reference currently available from Applicants' parent applications in addition to that which is available from other electronic resources. Those references not available to the Examiner have been crossed through. In the IDS filed October, 14, 2003 and attached hereto, each U.S. Patent cited has been crossed through as these were previously considered in the Office Action mailed on August 23, 2004. Additionally, all references to Court Proceedings will not be published and as such those references have been crossed out however any reference to Court Proceedings, that has been considered, has been initialed

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russell Kobert whose telephone number is (571) 272-1963.

The Examiner's Supervisor, Nestor R. Ramirez, can be reached at (571) 272-2034.

For an automated menu of Tech Center 2800 phone numbers call (571) 272-2800.



Russell M. Kobert
Patent Examiner
Group Art Unit 2829
March 3, 2005



VINH NGUYEN
PRIMARY EXAMINER

A.U. 2829
03/04/05